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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,677	07/05/2006	Masahiko Amari	034206.002	8340
441 7590 08/10/2009 SMITH, GAMBRELL & RUSSELL 1130 CONNECTICUT AVENUE, N.W., SUITE 1130 WASHINGTON, DC 20036			EXAMINER HWU, DAVIS D	
			ART UNIT 3752	PAPER NUMBER
			MAIL DATE 08/10/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,677

Applicant(s)

AMARI ET AL.

Examiner

Davis Hwu

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3, 4, 9, 10, 12-15, 21, 23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3, 9, 10, 12-15, 21, 23 and 25 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

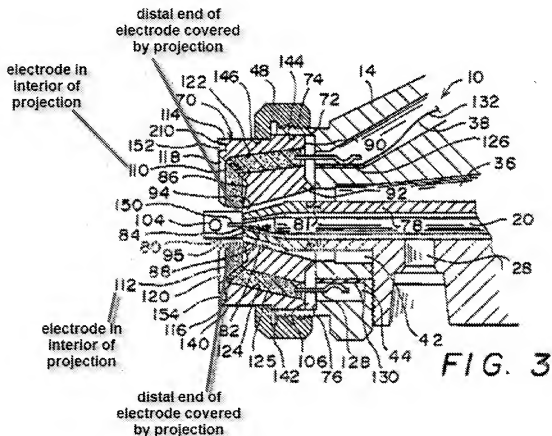
1. Applicant's amendment and arguments of July 31, 2009 have been entered.
2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 3, 9, 10, and 12-15, 21, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sickles in view of Binoche.

Sickles discloses an electrostatic coating spray gun as recited comprising: a barrel 14; an air cap 70 mounted on a front of the barrel; a coating material delivery port 84 as recited; a centralized electrode 150 protruding forward through the port 84, wherein the centralized electrode is grounded; a pair of projections 100 and 102 formed at respective radial opposing positions of the air cap while sandwiching the central electrode therebetween, the projections protruding farther forward than the delivery port 84 (see Figure 3 below) wherein each of the projections has a pattern air port hole 104 as recited; and a pair of electrodes 110 and 112 in the interiors of the respective projections (see Figure 3 below); and the electrodes protrude forward; and the electrodes have ends covered by the projections located in front of the electrodes (see Figure 3). The projections including portions other than the pattern air port holes, which portions respectively cover portions of the electrodes opposed to the pattern air port holes would have been a matter of design choice since it would simply involve wrapping

the electrode 110 around projection 104 so that a portion of the electrode is covered by the side of the projection which is opposite the side having the air port holes for example, and the device will still function properly with such an arrangement.



Binoche teaches an electrostatic coating spray gun comprising a barrel and an air cap having a pair of projections and a pair of insulatively shielded electrodes E1 and E2 in the interiors of the projections and having respective surfaces covered with electrically insulating material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Sickles by replacing the

electrodes 110 and 112 with insulatively shielded electrodes as taught by Binoche. Regarding claim 4, having additional projections and insulated electrodes within the projections would have involved a mere duplication of the critical working parts of a device. Regarding claim 12, the angular orientations of the air flow channels would have been a matter of design choice since shaping air will still be formed with such arrangements. Regarding claim 9, providing the retaining nut 48 with a shaping air port would also have been a matter of design choice since the shaping air will still be provided with or without this modification.

Allowable Subject Matter

5. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis Hwu whose telephone number is (571)272-4904. The examiner can normally be reached on Mon-Friday 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571)272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.